

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

THE KAY COMPANY, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:06-cv-00612

EQUITABLE PRODUCTION CO.,

Defendant.

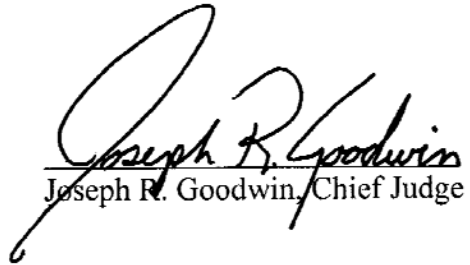
**MEMORANDUM OPINION & ORDER**

Pending before the court is Class Counsel's Motion for Award of Attorney Fees, Incentive Awards for Class Representatives, and Reimbursement of Expenses [Docket 215]. Class Counsel Marvin Masters declares that "[b]ased upon written representations . . . by all class counsel, class counsel and their firms expended 4,735.70 hours of time by attorneys and support personnel over a period from 2005 to the present." (Mot. Attorney Fees, Ex. A ¶ 6.) Masters also declares that "the administration of this case will likely require an additional 1,200 hours of time." (*Id.*) Class Counsel further notes that "[a]ffidavits of hours, rates, and expenses will be provided to the Court if requested." (Mot. Attorney Fees 8 n.6.)

In the past I have awarded class action attorney fees as a percentage of the settlement amount, using the lodestar method as a cross-check. *Jones v. Dominion Res. Servs., Inc.*, 601 F. Supp.2d 756 (S.D. W. Va. 2009). In order to apply the cross-check most effectively, the court **ORDERS** Class Counsel to submit more detailed affidavits of hours, rates, and expenses. A more detailed record will assist in my determination of a "reasonable" award. *See* Fed. R. Civ. P. 23(h).

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 17, 2010



Joseph R. Goodwin, Chief Judge